

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LISA M. FLYNN, et al.,

Case No. 2:15-CV-71 JCM (GWF)

Plaintiff(s),

## ORDER

V.

MURRAY CRAIG, et al.,

Defendant(s).

Presently before the court is plaintiffs Lisa M. Flynn, et al.'s motion for leave to file first amended complaint. (Doc. # 55). Defendants have not filed a response and the deadline to do so has passed.

Pursuant to Local Rule 7-2(d), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion. LR 7-2. The instant motion seeks to amend the complaint. In light of defendant's failure to respond, the court finds granting the motion appropriate. However, in good faith, the court also turns to the merits of the motion.

Federal Rule of Civil Procedure 15(a) provides that leave to amend “shall be freely given when justice so requires.” The Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave. In *Foman v. Davis*, 371 U.S. 178 (1962), the Court explained: “In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc. – the leave sought should, as the rules require, be ‘freely given.’” *Id.* at 182. In addition to the Rule 15(a) requirements, the local rules of federal

1 practice in the District of Nevada require that a plaintiff submit a proposed, amended complaint  
2 along with a motion to amend. LR 15-1(a).

3 The court notes that plaintiff has complied with Local Rule 15-1 and attached the proposed  
4 amended pleading. (Doc. # 55). Further, the court finds none of the illustrative examples given  
5 by the Supreme Court in *Foman* as grounds to deny leave here.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion to file  
8 an amended complaint (doc. # 55) be, and the same hereby is, GRANTED.

9 IT IS FURTHER ORDERED that plaintiff file the proposed amended complaint with the  
10 court within seven (7) days of entry of this order.

11 DATED May 19, 2015.

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13 UNITED STATES DISTRICT JUDGE

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